

Message

From: Fairbanks, Brianna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8245A7918577465BB6825C57AA2BEE9C-BFAIRBAN]
Sent: 9/6/2019 7:13:46 PM
To: Sanchez, Yolanda [Sanchez.Yolanda@epa.gov]
CC: Praskins, Wayne [Praskins.Wayne@epa.gov]; Chesnutt, John [Chesnutt.John@epa.gov]; Yogi, David [Yogi.David@epa.gov]
Subject: RE: legal review please of HPNS Buildings email response

This looks fine to me.

Brianna Fairbanks

Attorney/Advisor
EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3907

From: Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>
Sent: Friday, September 06, 2019 12:11 PM
To: Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>
Cc: Praskins, Wayne <Praskins.Wayne@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>; Yogi, David <Yogi.David@epa.gov>
Subject: RE: legal review please of HPNS Buildings email response

Brianna,

Can you please provide a legal review of my small edits to this draft response to Enrique? Here is a clean version; and below is a track changes version within John's original email.

#####DRAFT#####

Enrique,

You asked for my reaction to the Navy's response to Mr. Edmonson's question about demolishing the buildings rather than rescanning, cleaning and rehabbing them. As you know, our April 11 proposed path forward letter encouraged the Navy to engage in these discussions with the City. From the enclosure of our April 11, 2019 letter:

Additionally, if the Navy works to test and clean up current, onsite buildings that will ultimately be demolished for redevelopment, that would be also be a waste of government resources. The rework for the buildings should apply the most realistic re-use scenario; therefore, we recommend EPA and the Navy engage in discussions with the City/County of San Francisco on their residential re-use plans for current onsite buildings. In addition, EPA and the Navy should engage in discussions with the State of California regarding its regulatory framework for approving the transfer of buildings to the City/County for redevelopment or demolition. We, therefore, recommend segregating this buildings issue for further analysis and discussion while testing and, if needed, cleanup of soil proceeds.

In general, the Navy's response mischaracterizes progress on this issue, particularly in these areas:

1. "Navy has been making good progress with the regulatory agencies on the path forward for the building evaluation." In March, we informed the Navy they will need to consult with EPA HQ on its use of the RESRAD, rather than using our preferred EPA BPRG calculator. This process will take time, and the Navy has only just informally begun this consultation process with EPA HQ.

2. "... demolition could take longer..." and "... there were concerns that regulatory agreement on scans to support demolition could be as complicated as the rescanning effort for clearance of the buildings." EPA believes it is still a valid question to ask if it would save time and money to demolish the buildings upfront. The State would generally drive the requirements for demolition scans/disposal of demolition debris, and EPA is not aware of any consultation process between the Navy and the State (esp. CDPH) on how difficult it would take to reach agreement on this issue.
3. "DON did not perform a cost analysis of building demolition" and "it appears that demolition could ... cost more". If the Navy did not perform a costs analysis, then it is unclear how they could determine demolition could cost more, as they did in their response.
4. "...demolition ... may not be viewed as healthy for the community since it will generate large quantities of waste". We understand the developer will demolish the majority of buildings, so dust and disposal issues will need to be addressed either way.
5. "...there would only be very small areas of any radiological contamination, if any..." Unfortunately, we do not have reliable data to understand whether they will be radiological contamination at the buildings. The data falsification is the reason for this rework.

In short, Mr. Edmonson's suggestion to complete a cost/benefit analysis of this issue is valid. The Navy's response suggests they have not taken this issue seriously; furthermore, the Navy seemed to exaggerate information. At a minimum, Angeles and I will discuss this Navy response with our Navy and State counterparts at our upcoming quarterly Navy managers' meeting.

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From: Chesnutt, John <Chesnutt.John@epa.gov>

Sent: Thursday, September 5, 2019 3:33 PM

To: Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>

Cc: Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>; Praskins, Wayne <Praskins.Wayne@epa.gov>

Subject: FW: legal review please of HPNS Buildings email response

Brianna, Please conduct a legal review of this draft response to Enrique.

Thanks, John

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>

Sent: Friday, August 30, 2019 6:14 AM

To: Chesnutt, John <Chesnutt.John@epa.gov>; Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>; Praskins, Wayne <Praskins.Wayne@epa.gov>

Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>; Glenn, William <Glenn.William@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Fairbanks, Brianna <Fairbanks.Brianna@epa.gov>; Butler, Thomas <Butler.Thomas@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>

Subject: Fwd: HPNS Buildings

Sent from my iPhone

Begin forwarded message:

From: "Didawick, Holly H CDR USN (USA)" <holly.h.didawick@navy.mil>
Date: August 30, 2019 at 5:25:24 AM PDT
To: "Edmonson, Robert" <Robert.Edmonson@mail.house.gov>
Cc: "Duchnak, Laura S CIV USN COMNAVFACENGCOM DC (USA)" <laura.duchnak@navy.mil>, "Manzanilla, Enrique" <Manzanilla.Enrique@epa.gov>, "Maier, Brent" <Maier.Brent@epa.gov>, "Sesay, Nadia (CII)" <nadia.sesay@sfgov.org>, "Schmitt, Daniel J CDR USN (USA)" <daniel.schmitt1@navy.mil>
Subject: RE: HPNS Buildings

Robert,

Good morning. Thanks for your question below. The team initially gave some quick thoughts to demolition to expedite rework of the buildings at Hunters Point Shipyard but has since been concentrating on the current path forward. DON did not perform a cost analysis of building demolition, since there were concerns that regulatory agreement on scans to support demolition could be as complicated as the rescanning effort for clearance of the buildings. The duration of demolition would be also be dependent on regulatory and community approval. Preliminarily, it appears that demolition could take longer, cost more, and given the fact that there would only be very small areas of any radiological contamination, if any, it may not be viewed as healthy for the community since it will generate very large quantities of waste.

Navy has been making good progress with the regulatory agencies on the path forward for the building evaluation. Moving forward, we can work with the regulatory agencies and the City to see if we need to dig back into this issue and relook at whether demolition should be considered as a tool to address any of the buildings. Thank you for your continued patience as we work through this effort.

Please let us know if you have any additional questions. In the meantime, have a happy Labor Day weekend.

Regards,
Holly

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1300 Navy Pentagon, Room 4C549
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Office: (703) 697-5946
Cell: (571) 236-7406

From: Edmonson, Robert <Robert.Edmonson@mail.house.gov>
Sent: Monday, August 26, 2019 12:45 PM
To: Didawick, Holly H CDR USN (USA) <holly.h.didawick@navy.mil>; Duchnak, Laura S CIV USN COMNAVFACENGCOM DC (USA) <laura.duchnak@navy.mil>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; 'Sesay, Nadia (CII)' <nadia.sesay@sfgov.org>
Subject: [Non-DoD Source] HPNS Buildings

Something I'm wondering as Navy and EPA continue to work on the Building rework standards – what is the potential to save time, money and improve health if we just demolished and removed the buildings as opposed to rescanning, cleaning and rehabbing them? Has there been any cost/benefit analysis on that?

Robert Edmonson

Chief of Staff | Congresswoman Nancy Pelosi

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